Docket No.: 782.1099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Moshe Shavit, et al.

Serial No. 09/842,352   Group Art Unit: 2645

Confirmation No. 6968

Filed: April 26, 2001   Examiner: Lisa Hashem

For: SELECTING THE DELIVERY MECHANISM OF AN URGENT MESSAGE

COMMUNICATION
SUBMITTING DECLARATION UNDER 37 CFR 1.131
PREVIOUSLY FILED UNEXECUTED

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an executed Declaration to be substituted for the unexecuted Declaration previously filed on November 8, 2004.

It is requested that this Declaration be entered.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____ /l/l0/l/ _____   By: _____

J. Randall Beckers
Registration No. 30,358

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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In re the Application of:

Moshe SHAVIT et al.

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DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

We, Moshe Shavit and Alexander Tiraspolsky, declare that:

1. We are a co-inventors of the application referenced above.

2. Prior to November 27, 2000, we conceived the idea of selecting a delivery mechanism for a message by a sender of the message and creating a priority table of delivery devices for a recipient of the message, as described and claimed in the above identified application.

3. On or before November 27, 2000, we prepared an Invention Disclosure Record - IDR (copy attached hereto as Exhibit A) describing our Invention, which we forwarded to the in-house patent coordinator for the assignee Mr. Pierre de Villiers.

4. The IDR (Exhibit A) shows the conception of at least claims 1, 13, 16, 19, 21 and 22. The portions of the IDR evidencing conception are supplied as parenthetical annotations within copies of the claims set forth below.

> 1.   A method for selecting a delivery mechanism for a message, comprising:
> creating, by a sender of the message, a priority table of delivery devices of a
> recipient of the message (see Exhibit A pages 2-6, 9 & 10);

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selecting a delivery device from the priority table having a highest priority and sending the message to the selected device (see Exhibit A pages 2 & 3); and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected delivery device, until the recipient receives the message (see Exhibit A pages 3, 4, 9 & 10).

13.   A system for selecting a delivery mechanism of a message, comprising:
a preferences and profile database containing a priority table, created by a sender of the message, of delivery devices of a recipient of the message (see Exhibit A, pages 2-8); and
a priority delivery selection logic unit selecting a delivery device from the priority table having a highest priority and sending the message to the selected device, and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected delivery device, until the recipient receives the message (see Exhibit A, pages 2-4 and 8).

16.   A computer-readable storage controlling a computer to select a delivery mechanism for a message and comprising a process of:
creating, by a sender of the message, a priority table of delivery devices of a recipient of the message (see Exhibit A pages 2-6 & 8);
selecting a delivery device from the priority table having a highest priority and sending the message to the selected device (see Exhibit A pages 2, 3 & 8); and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected delivery device, until the recipient receives the message (see Exhibit A pages 3, 4 & 8).

19.   A method of selecting a delivery device for a message, comprising:
receiving priority tables of delivery devices, respectively, for each of a plurality of message recipients, the priority tables being customized for each message recipient (see Exhibit A pages 3 & 4);
allowing the priority tables to be dynamically changed for each message recipient (see Exhibit A page 3);
selecting, for each message to be transmitted, a delivery device having a highest priority from a corresponding priority table and determining whether the recipient of the message to be transmitted is available on the selected device (see Exhibit A pages 2-4); and
continuing, for each message recipient that is not available on the selected device, to sequentially select another delivery device according to the corresponding priority table and to send the message to be transmitted to the selected delivery device, until the message recipient is available on the selected device (see Exhibit A pages 3 & 4).

21.   A method for delivering a message, comprising:
creating a priority table of delivery devices of a recipient of the message (see Exhibit A pages 3 & 4); and

cycling through delivery attempts to the delivery devices one at a time until the message is delivered responsive to priorities of the priority table(see Exhibit A pages 3 & 4);.

22.   A method for delivering a message, comprising:
creating a priority table of delivery devices of a recipient of the message(see Exhibit A pages 3 & 4);
cycling through delivery attempts to the delivery devices one at a time until the message is delivered responsive to priorities of the priority table(see Exhibit A pages 3 & 4); and
changing the priorities responsive to prior deliveries between cycles(see Exhibit A pages 3 & 4).

5.   On information and belief, on or about November 27, 2000, Mr. de Villiers sent a copy of the IDR (Exhibit A) to patent attorneys employed at Staas and Halsey LLP of Washington, D.C. via email (copy attached hereto as Exhibit B) requesting that a prior art search be conducted.

6.   On information and belief, on or about November 27, 2000 patent attorneys employed at Staas and Halsey LLP of Washington, D.C. requested a Patentability Search be conducted by an independent patent search company based on the IDR.

7.   On information and belief, on or about January 6, 2001, the search report was received by patent attorneys employed at Staas and Halsey LLP of Washington, D.C.

8. On information and belief, on or about January 9, 2001, the search report was forwarded by patent attorneys employed at Staas and Halsey LLP of Washington, D.C. via letter to Mr. de Villiers.

9.   On or before February 5, 2001, we prepared comments concerning the prior art found in the search.

10.   On information and belief, on or about February 5, 2001, Mr. de Villiers sent an email message to patent attorneys employed at Staas and Halsey LLP of Washington, D.C. sending the comments, authorizing the preparation of a patent application the result of which was the preparation and filing of the above-identified application, and requesting that an interview be scheduled with us at the earliest convenience.

11.   On or about February 15, 2001, we had an interview with a patent attorney employed at Staas and Halsey LLP of Washington, D.C.

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12. On or before February 23, 2001, we completed a list of action items we were assigned during the interview noted above and on information and belief, on or about February 23, 2001, information concerning the action items was provided to the patent attorney employed at Staas and Halsey LLP of Washington, D.C. via email.

13. On information and belief, on or about March 22, 2001 Mr. de Villiers was provided a draft of the above-identified application.

14. On or about March 29, 2001, we provided comments on the draft and on information and belief on that day the comments were forwarded to the patent attorney employed at Staas and Halsey LLP of Washington, D.C. by Mr. de Villiers via email.

15. On information and belief, on or about April 5, 2001, a revised draft of the above-identified application was provided via email to Mr. de Villiers.

16. On or about April 12, 2001, we provided comments on the revised draft and on information and belief on that day the comments were forwarded to the patent attorney employed at Staas and Halsey LLP of Washington, D.C. by Mr. de Villiers via email.

17. On information and belief, on or about April 18, 2001, the patent attorney employed at Staas and Halsey LLP of Washington, D.C. requested additional information from Mr. de Villiers via email.

18. On or about April 19, 2001, we provided comments concerning the additional information requested and on information and belief on that day the comments were forwarded to the patent attorney employed at Staas and Halsey LLP of Washington, D.C. by Mr. de Villiers via email.

19. On information and belief, on or about April 19, 2001, a further revised draft of the above-identified application was provided via email to Mr. de Villiers.
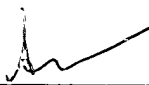
20. On information and belief, on or about April 23, 2001, Mr. de Villiers instructed the patent attorney employed at Staas and Halsey LLP of Washington, D.C. to file the above-identified application.

21. On April 26, 2001, the above -identified application was filed in the U.S. Patent and Trademark Office.

22.   All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and furthermore these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Respectfully submitted,

Date: __11/06/04__   By: _____
                                          Alexander Tiraspolsky

                                      _60 HAMLET ST._____

                                      _NEWTON CENTRE, MA 02459_____
                                          Residence Address

Date: __11/06/04__   By: _____
                                          Moshe Shavit

                                      _35 FIFER LN_____

                                      _LEXINGTON MA 02420_____
                                          Residence Address